OEK

FILED
08 SEP -5 AM 11: 19
CLERK. U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fabricio CEJAS-Casillas,

Defendant(s)

Magistrate Case No.
'08 MJ 2733

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **September 4, 2008,** within the Southern District of California, defendant **Fabricio CEJAS-Casillas**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Martin HERNANDEZ-Mendez, Alonso CASTRO-Millan, Ricardo MILLAN-Garcia,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **SEPTEMBER 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

DOA 9/4/08

DEk

CONTINUATION OF COMPLAINT:
Fabricio CEJAS-Casillas

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Martin HERNANDEZ-Mendez, Alonso CASTRO-Millan, and Ricardo MILLAN-Garcia,** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 4, 2008, at approximately 2:30 a.m., Supervisory Border Patrol Agent J. Walthall was performing assigned Border Patrol duties in the Campo Border Patrol Station area of responsibility. Agent Walthall responded to a sensor activation located near the United States/Mexico International Boundary. This area is located approximately 15 miles east of the Tecate, California Port of Entry and approximately less than four miles north of the United States/Mexico International Boundary.

Agent Walthall encountered several footprints leading north from the United States/Mexico International Boundary. Agent Walthall followed the foot prints and encountered four individuals attempting to conceal themselves in the thick brush. At the same time Supervisory Border Patrol Agent J. Aguilar arrived in the area and encountered ten more individuals concealing themselves under a tree in the same immediate area. Agent Walthall identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship. Each subject, including one later identified as the defendant **Fabricio CEJAS-Casillas**, stated that they were citizens of Mexico who entered the United States without any immigration documents that would allow them to be in the United States legally. At approximately 4:00 a.m., Agent Walthall placed each of the subjects under arrest and made arrangements to have the defendant and the other thirteen individuals transported to the Campo Border Patrol Station for processing.

DEFENDANT STATEMENT:

CEJAS was advised of his Miranda Rights which he stated that he understood and was willing answer questions without a lawyer present. CEJAS stated that he was a citizen of Mexico who did not posses the proper documentation to be in or remain legally in the United States. CEJAS stated that he was informed of a group of undocumented aliens that were waiting to be smuggled into the United States. CEJAS stated that he met these people and took them to a place called "Jardines Del Rincon". CEJAS stated that he waited for the Border Patrol vehicles to leave the area and that is when he smuggled all 13 of the undocumented subjects into the United States. CEJAS stated that he entered the United States on Wednesday, September 3, 2008 by going under the fence that marks the international boundary between the United States and Mexico. CEJAS stated that he was going to guide them around the Border Patrol Checkpoint and wait for two vehicles to pick them all up. CEJAS stated that he was going to receive $300.00 USD for each undocumented alien that he smuggled successfully.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Martin HERNANDEZ-Mendez, Alonso CASTRO-Millan, and Ricardo MILLAN-Garcia** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to not being in possession of immigration documents that would allow them to be in or remain in the United States legally. The material witnesses stated that they were to pay between $1,600.00 and $3,000.00 (USD) to be smuggled into the United States. Each of the material witnesses were able to positively identify the defendant as the foot guide through a photographic lineup.